UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION IX
75 Hawthorne Street
San Francisco, CA 94105

Via U.S. Postal Service and Electronic Mail

June 16, 2011

Mr. Mike Barr
College for Certain, LLC - Aspire Public Schools
Chief Financial Officer
1001 22nd Avenue, Suite 100
Oakland, CA 94606

Re: Aspire Public School, 1009 66th Avenue, Oakland, California – USEPA November 13, 2009 Approval of Polychlorinated Biphenyls' Cleanup Notification Under Toxic Substances Control Act – New Request for Additional Cap Modification

Dear Mr. Barr:

This letter responds to Ron Goloubow's (Arcadis) April 25, 2011 letter[1] requesting on behalf of College for Certain, LLC additional modifications to the cap for soils contaminated with polychlorinated biphenyls (PCBs) required under the Toxic Substances Control Act (TSCA) regulations in 40 CFR 761.61(a)(7). On November 13, 2009, the U.S. Environmental Protection Agency, Region 9 (USEPA) approved with conditions the October 23, 2009 *"Toxic Substances Control Act Self-Implementing Cleanup Notification and Certification Former Pacific Electric Motors Facility 1009 66th Avenue in Oakland, California"* (Notification) prepared by Arcadis for Aspire Public Schools. That approval under 40 CFR 761.61(a) (self-implementing PCB cleanup) requires a cap be constructed at the entire Aspire site consistent with the requirements in 40 CFR 761.61(a)(7) for a concrete cap. Such a cap is required to be 6 inches thick.

In the attached letter, Arcadis is proposing an alternate cap design for the entire site-wide cap and excluding those areas of the cap where rat slabs will be constructed for the school's modular buildings. USEPA's April 5, 2011 approved the rat slab design that Arcadis had proposed in March 2011 and such design also modified the site-wide cap. The rat slab is a portion of the site-wide cap that USEPA required in its November 13, 2009 conditional approval of the October 23, 2009 Notification for the Aspire school site.

The additional cap modifications proposed in the attached Arcadis' April 25, 2011 letter and described in Figure 2 (Proposed Pavement Plan) of that letter differ from the cap requirements in 40

[1] Letter from Ron Goloubow (Arcadis) dated April 25, 2011 (Subject: "Proposed Toxic Substances Control (TSCA) Cap for Pavement Areas – Former Pacific Motors Facility, 1009 66th Avenue, Oakland, California") to Carmen Santos (USEPA Region 9).

CFR 761.61(a)(7) and include landscape areas. Figure 2 also describes the soils that will be used to construct the proposed landscape areas; and those areas were not a feature of the original site-wide cap proposed in the October 2009 Notification consistent with the cap requirements in 40 CFR 761.61(a)(7).

We are approving the proposed design for the site-wide cap (excluding the already approved design for the rat slab areas) and landscape areas described in the attached Arcadis' letter under the TSCA regulations in 40 CFR 761.61(c) (risk-based cleanup option) with the conditions established below. This approval modifies the site-wide cap (excluding the rat slabs) required in Condition 8 of USEPA's November 13, 2009 conditional approval letter.

Conditions of Approval for Additional Site-Wide Cap Modifications

1. **Imported Soil for Use at the Aspire Site.** Within 15 days after the date of this approval, please submit a summary of the sampling approach that Arcadis will use to collect samples of imported soils planned to be used at the Aspire site in the landscape areas and possibly at other areas of the site. This summary should also be submitted to the Alameda County Department of Environmental Health (ACDEH). The California Department of Toxic Substances Control (DTSC) *"Information Advisory Clean Imported Fill Material,"* dated October 2001 or latest revision should be used as guidance in developing the required summary. PCBs in the imported soil must be below the site cleanup level of 0.13 mg/kg total PCBs as Aroclors. The levels of non-PCB contaminants must be below the criteria referenced in the Advisory as modified by recent criteria updates. Discrete soil samples must be collected instead of composite samples.

   Within 10 days after Arcadis' receipt of the laboratory analytical results for the imported soil samples, please submit the laboratory analysis results to USEPA for review before imported soils are placed in the landscape areas designated in Figure 2 of the attached Arcadis' letter. This data must also be provided to ACDEH.

2. **Proposed Landscape Areas.** As described in the attached Arcadis' letter, the proposed landscape areas will consist of an 18-inch layer of cement-treated site soils (bottom layer), a 10-inch soil layer (middle layer) from soils excavated at the site during trenching, and a 12-inch layer (top layer) of imported soils. According to Arcadis, the bottom soil layer contains PCBs at concentrations below the site-specific cleanup level of 0.13 total PCBs as Aroclors. The 10-inch native soil layer proposed to be added above the 18-inch cement-treated soil layer must be replaced with imported soils that have been tested as required in Condition 1 above. This requirement is based on the fact that soils derived from trench excavations at the site that have not been tested for PCBs and other non-PCB contaminants are proposed for use in the 10-inch soil layer for the landscape areas. Edible plants, fruits, and vegetables should not be planted in the proposed landscape areas.

3. **Notification to Alameda County Department of Environmental Health (ACDEH).** The ACDEH must be notified of the proposed changes to the site-wide cap and inclusion of landscape areas in the cap design given the County's regulatory involvement with the Aspire site.

4. **Modified Site-Wide Cap.** Approval of the modified site-wide cap is only in context to the ability of such cap to prevent human and ecological exposures to PCB levels remaining at the site consistent with the cap requirements in USEPA's November 13, 2009 letter approving the Notification and the TSCA regulations. This approval does not cover structural issues related to the ability of the cap to properly support any estimated load(s) used in developing the cap design.

This approval does not modify Condition 9 in USEPA's November 13, 2009 letter conditionally approving Aspire's Notification. Condition 9 requires maintenance and repair of the cap in perpetuity and the requirements in that Condition are equivalent and consistent with the requirements in 40 CFR 761.61(a)(8).

We look forward to being of assistance to College for Certain, LLC during implementation of the work remaining in the Notification as modified by the conditions of approval; and to the construction of the site-wide cap as modified by the conditions of approval herein and in USEPA's April 5, 2011 approval letter. Please call Carmen Santos of my staff at 415.972.3360 if you have any questions concerning this letter.

Sincerely,

for Jeff Scott, Director
Waste Management Division

Enclosures (1)

Cc: Ron Goloubow, Arcadis
Michael Rueda, Pacific Charter School Development
Paresh Khatri, Alameda County Environmental Health
Arlene Kabei, USEPA R9
Steve Armann, USEPA R9
Carmen Santos, USEPA R9

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Environmental

Ms. Carmen Santos
U.S. Environmental Protection Agency, Region 9
Mail Code WST-5
75 Hawthorne Street
San Francisco, California 94105

sent via email only

Subject:
Proposed Toxic Substance Control Act (TSCA) Cap for Pavement Areas –
Former Pacific Electric Motors Facility, 1009 66th Avenue, Oakland, California

Date:
April 25, 2011

Contact:
Ron Goloubow

Phone:
510.596.9550

E-mail:
ron.goloubow@arcadis-us.com

Our ref:
EM009155.0010.00001

Dear Ms. Santos:

On behalf of College for Certain, LLC (CFC), ARCADIS U.S., Inc. (ARCADIS) has prepared this letter to provide the revised details regarding the design of the Toxic Substance Control Act (TSCA) Cap for pavement and landscaped areas to be installed at 1009 66th Avenue in Oakland, California ("the Site"; Figures 1, and 2). The purpose of the cap is to prevent human and ecological exposure to any soil that may contain polychlorinated biphenyls (PCBs) at concentrations greater than the site specific clean-up goal of 0.135 milligrams per kilogram. As we have discussed, PCB-affected soil that might remain at the Site would likely be located within the interval of the cement treated soil. Depended upon the pavement and landscaping design provided below, that soil would be covered by a minimum of 6 to 13 inches of cap material (see pavement details on Figure 2).

Proposed Pavement Design

The details regarding the proposed pavement design for the Site is illustrated on Figure 2. As illustrated there are six different designs for pavement thicknesses depended upon the specific traffic - Site use in the area.

The proposed TSCA Cap designs will be comprised as follows (from the bottom up to the ground surface):

Trash Enclosure Area

- Native soil
- 18 - Inches of cement treated native soil
- 6 - Inches of imported aggregate base rock and
- 6- Inches of Portland cement concrete

Pedestrian Walkway Areas - Concrete

- Native soil
- 18 - Inches of cement treated native soil
- 4- Inches of imported aggregate base rock and
- 4- Inches of Portland cement concrete

Vehicle Traffic Areas

- Native soil
- 18 - Inches of cement treated native soil
- 10- Inches of imported aggregate base rock and
- 3- Inches of asphalt concrete

Parking Areas

- Native soil
- 18 - Inches of cement treated native soil
- 8- Inches of imported aggregate base rock and
- 2.5- Inches of asphalt concrete

Pedestrian Walkway Areas - Asphalt

- Native soil
- 18 - Inches of cement treated native soil
- 4- Inches of imported aggregate base rock and
- 2- Inches of asphalt concrete

Landscaped Areas

- Native soil
- 18 - Inches of cement treated native soil
- 10- Inches of native soil
- 12- Inches of imported top soil

Closing

Blackwell Construction (on behalf of CFC) is in the process of installing the modular (re-locatable) buildings. The next phase of the construction project at the Site will be to install the "hard-scape" that will include the asphalt and concrete pavement area described above.

ARCADIS will contact representatives of U.S. EPA on Monday, May 2, 2011 to determine if the design provided in this letter is acceptable. We at ARCADIS appreciate working with you and your team and look forward to bringing this project to closure with the U.S. EPA in the near future.

Sincerely,

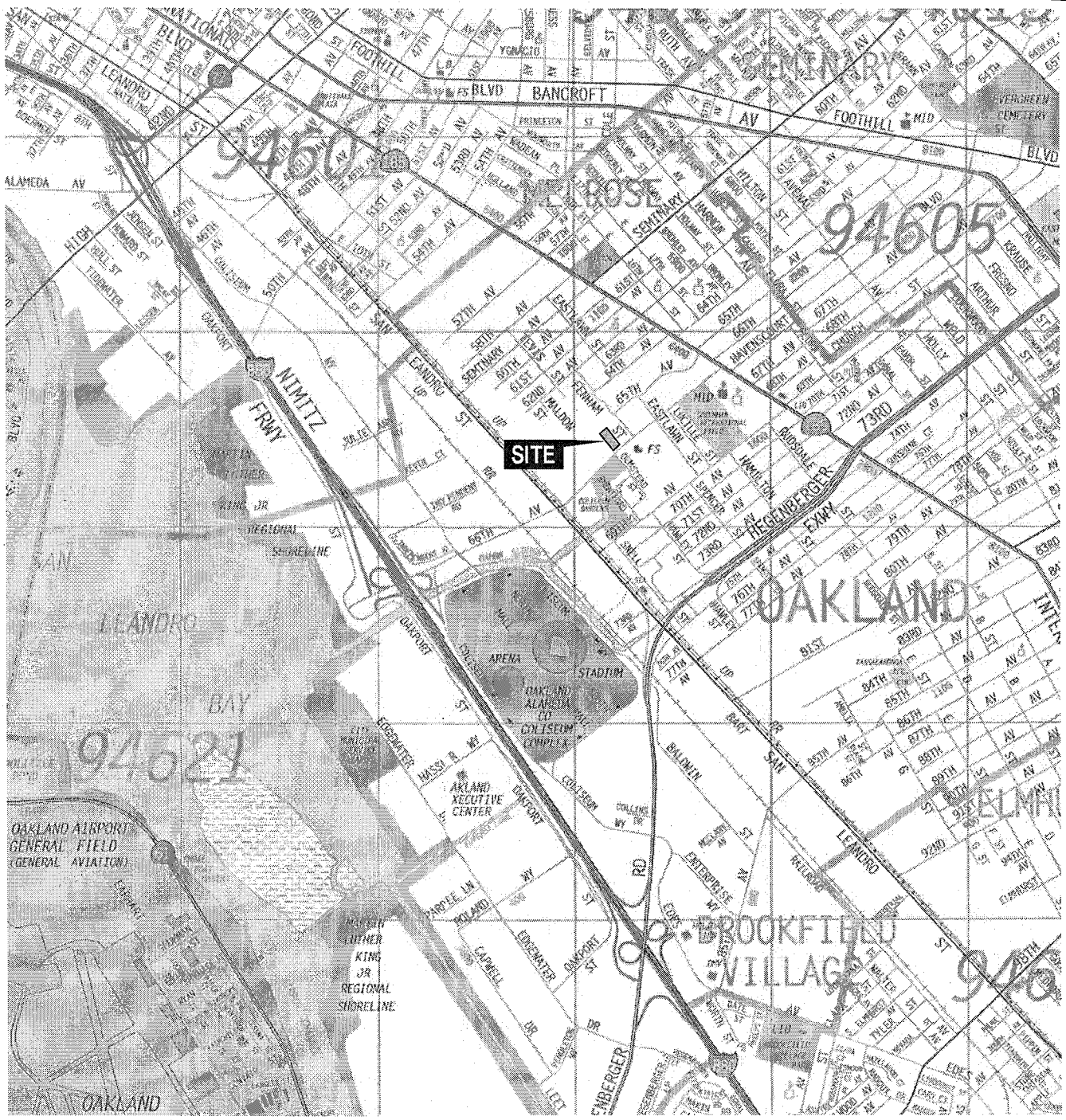
ARCADIS U.S., Inc.

Ron Goloubow, P.G.
Principal Geologist

Copies:
Mike Rueda – Pacific Charter Schools
Brad Kettle – Blackwell Construction

Enclosures:

Figure 1 – Site Vicinity Map
Figure 2 – Proposed Pavement Plan



MAP SOURCE: Copyright 1995, Thomas Bros. Map ALAMEDA COUNTY 2002 Edition

0 2,000 4,000 FEET

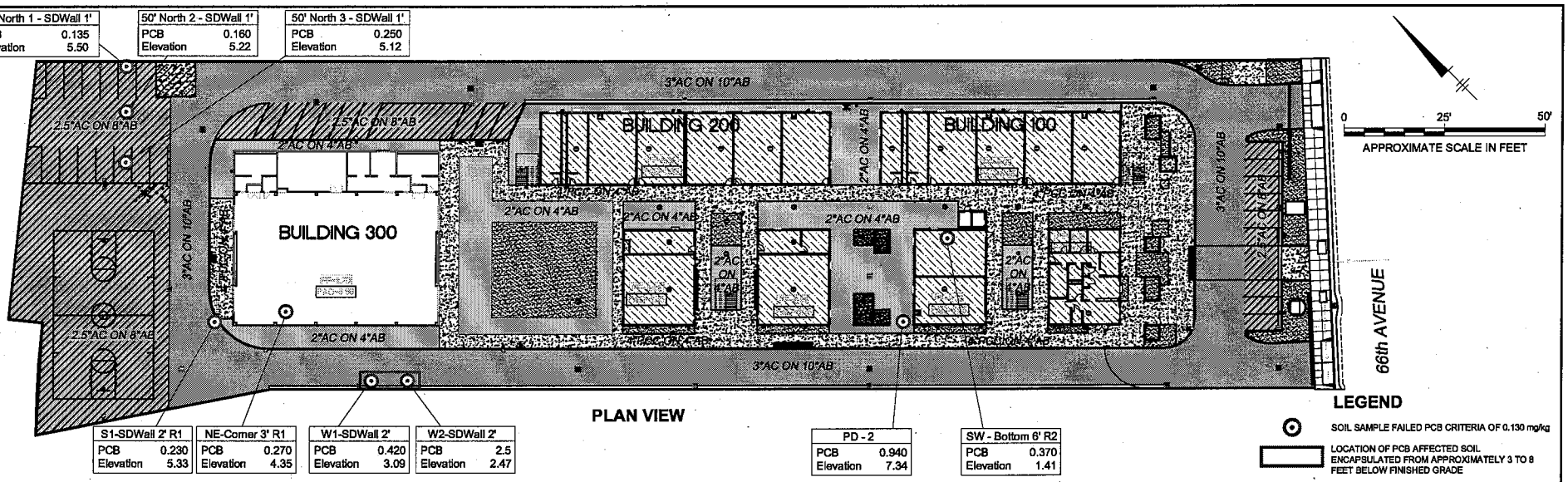
1009 66TH AVENUE, OAKLAND, CALIFORNIA

SITE VICINITY MAP

ARCADIS

FIGURE 1

DESIGN\003\09155\Figure 1 Site Vicinity - 003-09155.cdr



PLAN VIEW

LEGEND

- SOIL SAMPLE FAILED PCB CRITERIA OF 0.130 mg/kg
- LOCATION OF PCB AFFECTED SOIL ENCAPSULATED FROM APPROXIMATELY 3 TO 8 FEET BELOW FINISHED GRADE
- NEW CONCRETE SLAB (6" REINFORCED PCC ON 6" CLASS 2 AB ON 6" RECOMPACTED SUBGRADE (90%)) PER GEOTECHNICAL REPORT
- NEW CONCRETE SLAB (4" REINFORCED PCC ON 4" CLASS 2 AB ON 6" RECOMPACTED SUBGRADE (90%)) PER GEOTECHNICAL REPORT
- NEW AC PAVEMENT-TRAFFIC SECTION (6"AC ON 6" CLASS 2 AB ON 6" RECOMPACTED SUBGRADE (95%)) PER GEOTECHNICAL REPORT
- NEW AC PAVEMENT-PARKING SECTION (5"AC ON 4" CLASS 2 AB ON 6" RECOMPACTED SUBGRADE (95%)) PER GEOTECHNICAL REPORT
- NEW AC PAVEMENT-PEDESTRIAN SECTION (2"AC ON 4" CLASS 2 AB ON 6" RECOMPACTED SUBGRADE (95%)) PER GEOTECHNICAL REPORT
- LANDSCAPING: 12" TOP SOIL OVER 10" CAP OF IMPORTED SOIL. COMPACT CAP TO 90%. PLACE ORANGE WARNING NETTING UNDERNEATH CAP.
- RAT SLAB UNDERNEATH ALL MODULAR BUILDINGS: 2"AC ON 4" CLASS 2 AB

mg/kg = MILLIGRAMS PER KILOGRAM

PAVEMENT DETAILS

TRASH ENCLOSURE AREA — PLAN VIEW

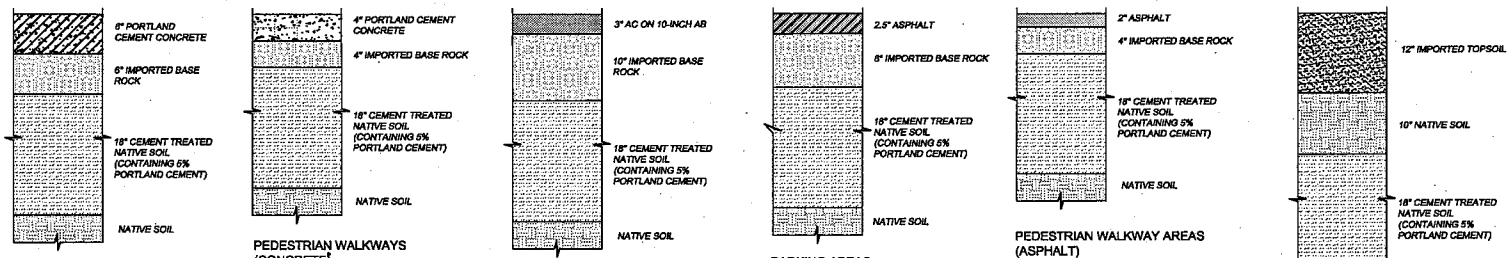
PEDESTRIAN WALKWAYS (CONCRETE) — PLAN VIEW

VEHICLE TRAFFIC AREAS — PLAN VIEW

PARKING AREAS — PLAN VIEW

PEDESTRIAN WALKWAY AREAS (ASPHALT) — PLAN VIEW

LANDSCAPED AREAS — PLAN VIEW



TRASH ENCLOSURE AREA PROFILE VIEW

PEDESTRIAN WALKWAYS (CONCRETE) PROFILE VIEW

VEHICLE TRAFFIC AREAS PROFILE VIEW

PARKING AREAS PROFILE VIEW

PEDESTRIAN WALKWAY AREAS (ASPHALT) PROFILE VIEW

LANDSCAPED AREAS PROFILE VIEW

1' VERTICAL SCALE IN FEET (PROFILES)
0'

SOURCES: UNDERWOOD & ROSENBLUM, INC.
K2A ARCHITECTURE + INTERIORS
GRADING AND PAVING PLANS

PROPOSED CHARTER SCHOOL SITE
1009 66TH AVENUE, OAKLAND, CALIFORNIA

PROPOSED PAVEMENT PLAN

ARCADIS

FIGURE 2